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EXAMINER

COLBERT, ELLA

ART UNIT PAPER NUMBER

3624

DATE MAILED: 02/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/771,515

Applicant(s)

GLASSCO ET AL.

Examiner

Ella Colbert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003 and 01 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-20 are pending in this communication filed 09/08/03 entered as Amendment B, paper no. 9 and Amendment C filed 12/01/03 entered as paper no. 13.
2. The Supplemental IDS filed 10/27/03 has been entered as paper no. 10.
3. The IDS filed 11/17/03 has been entered as paper no. 12.
4. The Objection to the Abstract has been overcome by the amendment to the abstract and is hereby withdrawn.
5. The Objection to the Specification has still remains because the Examiner does not find the attached amendment to the Specification.
6. The Objection to the Drawings still remains because the Examiner does not find the attached drawing corrections. On page 2, Amendment B is a description of the amendments that are supposed to be attached drawing replacement drawing sheets, but these replacement drawing sheets are missing.
7. The Objection to the claims has been overcome by the amendment to the claims and is hereby withdrawn.
8. The 35 U.S.C. 112 second paragraph rejection still remains.
9. The Specification is objection has been overcome by Applicants' amendment to the Specification and is hereby withdrawn.

### ***Drawings***

10. The drawings are objected to because in Fig. 3a "Data Organization 300" is missing; Fig. 3C "357 methods" is missing; Fig. 4 element "400" is missing; Fig. 5 element "509" and "block 520" are missing; Fig. 7a element "700 data organization" is

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missing; and Fig 12 elements "1200" and "1212" are missing. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claims 14-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 14-20 claim "an apparatus" which leaves the claims vague and indefinite. Do Applicants' mean a computer or a storage medium? Claims 14, 16, and 20 recite "storage medium having stored therein a plurality of programming instructions designed to facilitate designation of a user ..., ..., ...". Do Applicants' mean "A storage medium having stored thereon a plurality of programming instructions designed to facilitate designation of a user ..., ..., ..."? Please clarify in the claim language.

***Claim Rejections - 35 USC § 102***

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

14. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being unpatentable over (US 6,088,702) Plantz et al, hereafter Plantz.

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With respect to claims 1, 8, 14, and 20, Plantz teaches, A data sharing method comprising: designating a first user as an eligible shared data contributor (col. 2, lines 17-36); designating an authorized service component of said eligible shared data contributor as a shared data publishing component (col. 3, lines 11-28); defining a data publication (col. 5, lines 19-30); tagging data managed by said publishing component for inclusion in said data publication (col. 9, lines 35-67); designating a second user as an eligible shared data subscriber (col. 10, lines 1-29); associating said second user as a subscriber of said data publication (col. 10, lines 30-62); contributing to said data managed by said publishing component by said shared data contributor (col. 10, lines 63-67 and col. 11, lines 1-42); and facilitating access to said data managed by said publishing component based on said second user's subscription to said data publication, with which said managed by said publishing component is tagged for inclusion (col. 7, lines 2-10 and lines 28-63).

With respect to claims 14, 16, and 20 Plantz teaches, a storage medium having stored thereon a plurality of programming instructions (col. 11, line 48 (CD ROM)). One or more processors coupled to said storage medium to execute said programming instructions are inherent to any computer system. A processor is defined as a microprocessor; coprocessor; CPU. A microprocessor is defined as an integrated circuit containing the entire CPU of a computer, all on one silicon chip, so that the only memory and input-output devices need be added.

With respect to claim 2, Plantz teaches, wherein said defining comprises assigning a publication identifier for said data publication, and said tagging comprises

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assigning said assigned publication identifier to a component property of said publishing component (col. 8, lines 1-10 and 20-37).

With respect to claim 3, Plantz teaches, wherein said method further comprises designating said data publication as a data publication available for subscription by eligible shared data subscribers of an organization, of which said second user is a member (col. 8, lines 52-67 and col. 9, lines 1-21).

With respect to claim 4, Plantz teaches, wherein said first user is also a member of said organization (col. 9, lines 21-34).

With respect to claim 5, Plantz teaches, wherein said first user is not a member of said organization (col. 10, lines 15-23).

With respect to claim 6, Plantz teaches, wherein said method further comprises determining data said second user is authorized to access when initialing a session environment for said user or when instantiating a requested component, and said determining includes resolving said second user's subscription of said data publication to said publishing component (col. 10, lines 1-29).

With respect to claim 7 this dependent claim is rejected for the similar rationale as given above for claim 2.

With respect to claim 9 this dependent claim is rejected for the similar rationale as given above for claim 7.

With respect to claim 11, The method of claim 10, wherein said user is a member of an organization, and said method further comprises designating said data

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publication as available for subscription by eligible shared data subscriber users of said organization.

With respect claim 12 this dependent claim is rejected for the similar rationale as given above for claims 3 and 4.

With respect to claim 13 this dependent claim is rejected for the similar rationale as given above for claim 6.

With respect to claim 15 this dependent claim is rejected for the similar rationale as given above for claim 9.

With respect to claim 17 this dependent claim is rejected for the similar rationale as given above for claims 3, 4, and 11.

With respect to claim 18 this dependent claim is rejected for the similar rationale as given above for claim 6.

With respect to claim 19 this dependent claim is rejected for the similar rationale as given above for claims 7 and 13.

***Response to Arguments***

15. Applicants' arguments filed 09/08/03 as Amendment B and 12/01/03 as Amendment C have been fully considered but they are not persuasive.

Issue no. 1. Applicants' argue: the cited and applied reference fails to teach, disclose or suggest the element of a publication as claimed in the present invention nor does the cited and applied reference teach, disclose or suggest tagging data for inclusion in a publication has been considered but is not persuasive. Response: It is

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interpreted that the "executable link " in col. 9, lines 35, 40, 42, and 65 symbolize a tag for tagging data.

Issue no. 2. Applicants' argue: Plantz does not teach a "storage medium having stored thereon a plurality of programming instructions" has been considered but is not persuasive. Response: A portion of Applicants' argument is missing. The pages that follow page 18 of Amendment B are missing. The following response is the best response that can be given to this issue: A CD-ROM (col. 11, line 48) is considered to be a storage medium for storing programming instructions. A storage medium by definition is defined as any device or recording medium into which data can be stored or held until some later time, and from which the entire original data can be obtained.

### ***Conclusion***

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.




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### Inquiries

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 703-308-7064. The examiner can normally be reached on Monday-Thursday from 6:30 am -5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1038. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
E. Colbert  
February 11, 2004



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